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Chairman: Mr. Yañez-Barnuevo ..... (Spain)

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The meeting was called to order at 10.10 a.m.

Agenda item 108: Measures to eliminate international terrorism (A/59/894; A/60/37, 164 and 228; A/C.6/60/L.4)

1. **The Chairman** said that, encouraging as the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism had been, much remained to be done. It was to be hoped that the General Assembly would finalize the draft comprehensive convention on international terrorism during the current session.

2. **Mr. Perera** (Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996), introducing the Ad Hoc Committee's report (A/60/37), said that, between 28 March and 1 April, the Committee had held three plenary meetings and two rounds of informal consultations. One round had focused on the draft comprehensive convention on international terrorism and the other on the draft international convention for the suppression of acts of nuclear terrorism. The consultations on the latter draft convention had resulted in the successful finalization of the text, which had subsequently been annexed to General Assembly resolution 59/290 of 13 April 2005. The Convention had been opened for signature on 14 September and had already, in a clear demonstration of the commitment of Member States to combating international terrorism, received 89 signatures.

3. It was his sincere hope that it would be possible shortly to agree on the finalized text of a comprehensive convention on international terrorism. To that end, the previous Chairman of the Sixth Committee had convened informal consultations from 25 to 29 July 2005, focusing on attempts to resolve the issues surrounding draft article 18. Various proposals had been made on how to overcome the impasse and a summary of the discussions had subsequently appeared as document A/59/894, which also contained a consolidated text of the draft convention, with a view to facilitating future discussions. The consolidated text did not, however, prejudice in any way the proposals made by delegations, all of which remained on the table until withdrawn by their sponsors.

4. The Committee must make every effort to conclude its work on the draft comprehensive convention on international terrorism during the current session, in line with the expectations of the international community, as reflected in the 2005 World Summit Outcome. The Committee could and should meet those expectations.

5. **Mr. Lauber** (Switzerland) said that his delegation endorsed the importance attached in the 2005 World Summit Outcome to the adoption and implementation of a strategy to promote comprehensive, coordinated and consistent responses to counter-terrorism at every level and to an agreement on a comprehensive convention on international terrorism during the current session. In his keynote address to the closing plenary of the International Summit on Democracy, Terrorism and Security, the Secretary-General had identified the elements that should be included in a global counter-terrorism strategy. He would doubtless develop those suggestions, especially in the light of proposals that the President of the General Assembly had announced his intention to make in a letter addressed to Permanent Representatives.

6. Although the General Assembly had a unique legitimacy to develop standards to fight terrorism, the divergent views on such essential questions as the very definition of terrorism called into question its capacity to play a significant role. It was therefore essential to reach agreement at the current session on the comprehensive convention on international terrorism, which would both embody the legal aspects of international cooperation on counter-terrorism and ensure respect for international law, human rights and refugee law. If the General Assembly could not agree on the convention, it was unlikely to agree on a global strategy. The convening of a high-level conference was therefore premature.

7. **Ms. Holguín** (Colombia) said that the defining aspect of a terrorist act was its purpose. If that purpose was destructive, aimed at attacking a given society, it could not be justified in any way. A terrorist act was inherently reprehensible; wherever it occurred, it should be suppressed and its perpetrators should be punished. A zero-tolerance policy was essential on the part of the international community as a whole. Shared responsibility would necessarily involve the fullest cooperation and coordination between States in order to tackle not only terrorism itself but also the various forms of organized crime adopted by terrorists, such as drug trafficking or arms trafficking, to finance their activities. Legislative measures to deal with money-

laundering, the illicit traffic in drugs, arms, ammunition and explosives, kidnapping and other forms of organized crime must therefore be strengthened. There should be greater international cooperation and judicial assistance on identifying, freezing or seizing assets used for the financing of terrorism.

8. In that context, it was essential to adopt and implement a comprehensive, integrated strategy against terrorism. Her delegation supported the measures proposed by the Secretary-General, especially those relating to specific actions such as denying terrorists the means to carry out their attacks. Her delegation would continue its active participation in the search for an agreed text for the draft comprehensive convention on international terrorism and urged Member States to work for a consensus solution. It also supported the call for a high-level United Nations conference which would formulate an integrated response to terrorism in all its forms and manifestations, promote dialogue, tolerance and understanding between civilizations and emphasize the need for education on peace and human development as a means of preventing terrorism.

9. The priority must be to strengthen the national capacity of States to confront and eliminate terrorism through regional, bilateral and international cooperation involving not only technical assistance and resources but also harmonization of international intelligence, appropriate judicial cooperation and national legislation to combat terrorist networks, prevent money-laundering and put an end to arms trafficking. Her own Government had adopted a policy entitled "Defence and democratic security", which sought to uphold the democratic order and the rule of law, guarantee public safety and freedom, protect human rights and promote economic and social development. The result had been a 58.3 per cent reduction in the number of kidnappings, a 48 per cent reduction in attacks on pipelines, a 63.2 per cent reduction in attacks on electricity pylons and a 20 per cent reduction in attacks on settlements. The key to defeating terrorism was commitment both by national Governments and by the international community.

10. **Mr. Llewellyn** (United Kingdom) speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and, in addition, Norway, Moldova and Ukraine, said that all terrorist acts were criminal and unjustifiable, regardless of their motivation. The European Union reaffirmed its commitment to combating terrorism but, at the same time, underlined the need for enhancing dialogue and broadening understanding among civilizations. It rejected any identification of terrorism with single cultures or religions. The international community must act jointly to combat incitement to terrorism and recruitment, at the same time observing full respect for democratic principles, including human rights and fundamental freedoms and the rule of law. The European Union welcomed the clear condemnation of terrorism contained in the 2005 World Summit Outcome and the Secretary-General's counter-terrorism strategy. Completion of the draft comprehensive convention on international terrorism during the current session was a major aspect of that strategy. The possibility of convening a high-level United Nations conference could be considered following the conclusion of the draft convention. Security Council resolutions 1373 (2001) and 1624 (2005) were also at the heart of the United Nations response to terrorism. The European Union would continue to support and cooperate with the Counter-Terrorism Committee and the other relevant Security Council committees. It recognized that many States continued to require assistance in implementing such resolutions. It also supported the call in the Summit Outcome for fair and clear procedures both for placing individuals and entities on sanctions lists and for removing them from such lists.

11. The European Union was fully committed to the ratification and full implementation of the 13 "sectoral" United Nations conventions and protocols. He paid a tribute to the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, which helped States to become parties to the relevant conventions and protocols and then implement them. The conclusion and adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism had been a highly significant achievement, which raised expectations that the draft comprehensive convention would shortly be completed. The European Union was committed to fulfilling those expectations at the forthcoming meetings of the Working Group. The draft comprehensive convention should supplement rather than supplant the sectoral conventions. The law and practice developed under those conventions should be maintained.

12. **Mr. Choisuren** (Mongolia) said that his delegation attached the utmost importance to the agreement reached by national leaders at the 2005 World Summit to condemn terrorism in all its forms and manifestations and to their approval of the Secretary-General's identification of elements of a counter-terrorism strategy. That agreement constituted an important consensual framework for a definition of terrorism, thus enabling the draft comprehensive convention on international terrorism to be completed during the current session. Terrorism and other crimes had developed into organized, transnational activities that were interrelated and mutually supportive. The world community, too, should combat the phenomenon collectively, acting together in the social, political, economic, intellectual and even the ecological sphere. The fight against terrorism must, however, be conducted in strict conformity with international law, especially human rights and international humanitarian law. At the same time, dialogue, tolerance and understanding among civilizations should be promoted as widely as possible. His delegation supported the idea of convening a high-level United Nations conference to formulate an international response to terrorism.

13. The United Nations had played a key role in the fight against terrorism: the General Assembly had set international standards and developed the body of international law, while the Security Council monitored and enforced those laws. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism by consensus had been exemplary. There was, however, a need to streamline the counter-terrorism mechanisms within the Organization and to strengthen the Organization's capacity-building role.

14. His Government was party to all the 12 counter-terrorism conventions; it had signed the United Nations Convention against Corruption; and it had recently submitted its report to the Counter-Terrorism Committee. The internal process of ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism was currently in progress. Mongolia had also held a national seminar on the implementation of international counter-terrorism conventions.

15. The adoption of laws at both the national and international levels was undoubtedly important. The ultimate significance of such instruments, however, would lie in the effectiveness of their implementation. The same applied to the Summit Outcome. If the international community failed to conclude the draft comprehensive convention during the current session, the United Nations would be considered to have failed to take effective action against terrorism. It was to be hoped that an acceptable text could be drafted.

16. **Mr. Mayoral** (Argentina), speaking on behalf of the Rio Group, reaffirmed that its members strongly condemned terrorism in all its forms and manifestations, wherever and by whomsoever committed, and would take all necessary measures, in conformity with their respective laws, to prevent, combat and eliminate those criminal acts. It was important, however, that the fight against terrorism should respect human rights, international humanitarian law and international refugee law.

17. During the current session, the Sixth Committee would be negotiating a comprehensive convention against international terrorism, which should be a clear-cut legal instrument that facilitated judicial and police cooperation in the fight against terrorism, respecting human rights principles and based on the *aut dedere aut judicare* rule. Considerable progress had been made in the negotiation of the instrument, although significant differences remained in specific areas. The Rio Group reiterated its undertaking to help reach a consensus and adopt the instrument in 2005.

18. Once the comprehensive convention had been adopted, the General Assembly should draw up a counter-terrorism strategy to strengthen the Organization's activities against terrorism, emphasizing practical and operational aspects. It would be useful to consider unifying mandates and concentrating the human and financial resources dispersed throughout the Organization.

19. **Mr. Playle** (Australia) said that the October 2005 terrorist attacks in Bali served as a reminder of the indiscriminate nature of terrorism and that all countries should remain focused on working together to counter the terrorist threat. The United Nations had a key role to play in global counter-terrorism efforts; closing the gaps in the relevant legal framework would complement the concerted efforts of the international community to prevent future terrorist attacks. It was disappointing that the recent World Summit had not grasped the opportunity to produce a political declaration defining acts of terrorism. The deliberate

targeting and killing of civilians was never justified, no matter what the cause or grievance.

20. Member States should redouble their efforts to conclude the comprehensive convention, which would provide further authority and impetus to global counter-terrorism efforts and help States to deal with the perpetrators of terrorist acts. The coordinator's text of article 18 provided an appropriate scope for the convention, but Australia was willing to explore other options to address the concerns of other States.

21. Australia was a party to eleven counter-terrorism conventions and was committed to acceding to the twelfth. Much of the international legal framework to counter-terrorism was now in place; ensuring the widest possible implementation remained a key challenge and further assistance to Member States should be encouraged. Effective counter-terrorism cooperation at the bilateral and regional levels was essential. Since 2004, the Australian Government had committed over $250 million for regional counter-terrorism cooperation, focused on targeted measures to build capabilities. It also supported regional activities such as the 2004 Bali Regional Ministerial Meeting on Counter-Terrorism and the Jakarta Centre for Law Enforcement Cooperation.

22. Activities aimed at addressing the ideological dimensions of the terrorist threat were important. National and community leaders had an important role to play in that respect and needed to do more to confront extremism and the ideological dimensions of terrorism. Combating terrorism required a comprehensive, multi-faceted response at all levels and Australia would continue to work in close cooperation with other States to overcome the grave threat it posed to security. Effective coordination by the United Nations could help ensure that assistance went where it was most needed.

23. **Mr. Tachie-Menson** (Ghana) said that terrorism was a continuously mutating phenomenon that posed a threat to the principles embodied in the Charter of the United Nations. It compelled the international community to muster the political will and make the sacrifices and concessions needed to confront it. Ghana was therefore encouraged by the tremendous progress made in the area of nuclear terrorism, culminating in the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which should provide momentum for efforts to finalize the draft comprehensive convention on international terrorism.

24. Two major issues remained outstanding in that respect: the definition of terrorism and the right to resist foreign occupation. The General Assembly had condemned terrorism in all its forms and manifestations, and no cause, ideology, religion, belief or grievance justified the deliberate and wanton killing of civilians and non-combatants; that should be the basis for any definition of terrorism. Introducing ambiguities based on political or other concerns would only undermine the convention's credibility. Issues of so-called State terrorism could be dealt with by international humanitarian law and, more specifically, the Charter of the United Nations and the Geneva Conventions. Ghana therefore called for a cold and clinical legal definition of terrorism, establishing a link between the perpetrators' intentions and the results of their actions.

25. Regarding the right to resist foreign occupation, Ghana wished to affirm the incontestable right of the oppressed peoples and people under foreign occupation to self-determination. However, it was a right that had to be exercised within the norms of basic human decency.

26. **Mr. Martinez Flores** (El Salvador) said that Governments required a legal framework that gave legitimacy to actions taken to combat terrorism. It was very important to strengthen international cooperation as a key element in the work of preventing and suppressing terrorist acts. El Salvador's commitment to the fight against terrorism had guided its activities at all levels. At the national level, it had reactivated the National Security Council as a result of threats from alleged terrorist groups in 2003, owing to its participation in humanitarian and reconstruction work in Iraq. In October 2001, it had created the Inter-institutional Counter-terrorism Group, which was responsible for formulating, implementing and monitoring technical measures in the fight against terrorism. A draft law against acts of terrorism was being drawn up to improve compliance with the international instruments, mandates and resolutions related to combating terrorism. The draft law defined financing terrorism as an autonomous crime and included mechanisms for freezing assets.

27. At the bilateral level, El Salvador and Nicaragua had signed a cooperation agreement to combat

terrorism, drug trafficking and related activities in November 2001, and at the subregional level, the Central American Presidents had issued a declaration entitled "Central America United against Terrorism" in September 2001 instructing the competent bodies to take steps to combat and prevent terrorism in the subregion In the inter-American sphere, a resolution on strengthening hemispheric cooperation to prevent, combat and eliminate terrorism had been adopted in January 2002.

28. El Salvador had ratified 11 international counter-terrorism instruments; it had submitted a general report and four additional reports under Security Council resolution 1373 (2001) and would shortly be presenting its fifth additional report. Likewise, it had presented the report required under Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction. It offered its complete cooperation towards achieving a prompt agreement on a draft comprehensive convention against international terrorism.

29. **Mr. Alsaidi** (Yemen), speaking on behalf of the Organization of the Islamic Conference (OIC) group, said that OIC members strongly condemned all terrorist acts and practices and remained convinced that terrorism could never be justified. Extremism and violence did not differentiate between peoples or cultures; consequently, terrorism should not be associated with any specific race, religion or culture.

30. The OIC members would continue to cooperate and work towards the consensual adoption of a draft comprehensive convention on international terrorism. However, it was important to arrive at a clear and universally agreed definition of terrorism; in that context, terrorism and the struggle of people fighting for self-determination against foreign occupation should be differentiated. They supported the initiative to convene a high-level conference, under the auspices of the United Nations, to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

31. The OIC members were concerned about the report of the coordinator on the results of the informal consultations on a draft convention held in July 2005. The report was expected to provide only a factual summary of the proceedings. However, it attempted to produce a "consolidated text", which not only omitted the proposal made by OIC on article 18, but also renumbered the articles and made certain technical changes. Such a text raised serious issues of mandate and prejudiced the negotiation process and efforts towards prompt agreement on the draft convention. Negotiations on the draft convention should be based on the reports of the Working Group and of the Ad Hoc Committee, particularly the report of the latter in document A/57/37. Future meetings and negotiations of the Working Group should be conducted in a formal setting by the Chairman of the Ad Hoc Committee, and the Working Group's next report should consolidate all the proposals, including those of OIC members.

32. The OIC member States supported Tunisia's initiative to elaborate by consensus an international counter-terrorism code of conduct within the framework of the United Nations; all Member States were called on to support the initiative when it was placed before the General Assembly. They also supported the proposal to establish an international centre for counter-terrorism.

33. **Ms. Rivero** (Uruguay) said that Uruguay had taken specific national and international measures to combat terrorism. It was a party to the 12 relevant international conventions and protocols against terrorist acts and it had already submitted four reports to the Counter-Terrorism Committee established under Security Council resolution 1373 (2001) and its first report to the Committee established by Security Council resolution 1540 (2004). At the subregional and regional levels, it played an active role in relevant activities, through Mercosur and the Organization of American States.

34. A comprehensive global counter-terrorism strategy should be promoted that did not lose sight of the deep-rooted causes of terrorism and that was based on norms of international law. Uruguay was grateful to the Secretary-General for his reports on combating terrorism (A/60/164 and A/60/228) and also to the United Nations Office on Drugs and Crime (UNODC) and trusted their efforts would help States comply with the obligations arising from General Assembly and Security Council resolutions so as to provide an effective response to the threat of international terrorism. It trusted that the negotiations to adopt a draft comprehensive convention on international terrorism would be completed successfully as it would become a fundamental element of the fight against terrorism. Nevertheless, all existing mechanisms and

measures had to be implemented and that called for multilateralism, which Uruguay firmly believed in.

35. **Mr. Thema** (Botswana), speaking on behalf of the Southern African Development Community (SADC), said that many SADC member countries had experienced an individual or collective struggle for liberation against colonial and racist regimes. Currently, following the establishment of the SADC Organ on Politics, Defence and Security, they would be realigning and strengthening their collective security capacity in order to tackle old and emerging threats.

36. Terrorism in all its forms and manifestations, committed by whoever, wherever and for whatever purpose, should be categorically and unequivocally condemned. Nevertheless, poverty, hunger, disease and inter- and intra-state conflicts were the major threats to peace and security in southern Africa. The members of SADC supported continental and international efforts to combat terrorism and added their voice to the call to reach agreement on a draft comprehensive convention on international terrorism. Consensus was required on a legal definition of terrorism, bearing in mind the right to self-determination in conformity with the Charter of the United Nations and international law. Careful consideration should be given to deleting the exclusion clauses regarding armed forces when negotiating language on the remaining articles. Lastly, SADC member States supported the call for an international summit under the auspices of the United Nations to formulate a joint organized response to terrorism in all its forms and manifestations.

37. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the member States of the Association of Southeast Asian Nations (ASEAN), noted that only a few days earlier one of ASEAN's members, Indonesia, had once again been the victim of a heinous terrorist act, which had claimed some 20 lives and injured more than a hundred people. ASEAN condemned every act of terrorism in all its forms and manifestations and called for further strengthening of international cooperation to fight it. Guided by the experience of the past few years in the battle against terrorism, the ASEAN member countries continued to hold the view that the measures to be taken against terrorism must be comprehensive, balanced and in compliance with international law, particularly the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States. At the same time, ASEAN emphasized the need to address the root causes of terrorism and rejected any attempt to associate it with any race, religion, nationality or ethnic group.

38. The United Nations, which must play a leading role in the fight against terrorism, had taken an important step earlier in the year by adopting the International Convention for the Suppression of Acts of Nuclear Terrorism, to which all ASEAN member countries were encouraged to consider becoming parties. His delegation looked forward to working with others with a view to concluding a comprehensive convention on international terrorism during the current session of the General Assembly.

39. In the past year, the ASEAN member countries had continued to spare no effort to build and strengthen their coordination and cooperation in the fight against terrorism. Several conferences held in the region had helped to enhance activities aimed at combating terrorist acts and transnational crime, including the exchange of information and intelligence. The tenth ASEAN Summit, held in November 2004, had adopted an action programme that would guide ASEAN's efforts in countering terrorism from 2005 to 2010. At the ASEAN Plus Three Summit held in November 2004 and attended by representatives of the 10 ASEAN member States plus China, Japan and the Republic of Korea, the countries had reiterated their determination to further concerted efforts to fight terrorism in East Asia and their commitment to support global efforts to combat international terrorism. ASEAN had also moved progressively to enhance extraregional cooperation. In 2004 and 2005, joint declarations on cooperation to combat international terrorism had been signed with Japan, New Zealand, the Republic of Korea and Pakistan, thus bringing the total number of such joint declarations to 10. The ASEAN countries were also working with Australia, Denmark and the United States on training and other activities to strengthen counter-terrorism capacity. In addition, ASEAN continued strengthening its cooperation with agencies of the United Nations system and other regional organizations in combating transnational crime and terrorism. ASEAN would continue to promote coordination and cooperation with the international community in combating international terrorism with a view to creating an environment conducive to its member States' efforts to attain sustainable development, progress and prosperity, thus contributing to the maintenance of peace, security and stability, both in the region and globally.

40. **Mr. Muchemi** (Kenya) said that international terrorism remained one of the most serious challenges to global peace, security and stability. Experience had shown that terrorism knew no frontiers and that no country was immune to acts of terror. London and Bali had recently been added to the growing list of places that had suffered terrorist attacks, and his delegation wished to convey its heartfelt condolences to the Governments and the people of the United Kingdom and Indonesia. Those recent incidents had once again brought to the fore the urgent need for the international community to redouble efforts to eliminate the vice of terrorism.

41. While it was true that measures to combat terrorism continued to be put in place at the national, regional and international levels, it was also true that terrorists were quick to find ways to circumvent such measures. Kenya believed that the United Nations had a central role to play in coordinating anti-terrorism efforts and endorsed the five pillars of the strategy for fighting terrorism outlined by the Secretary-General in his report (A/59/2005). In that respect, his delegation welcomed the establishment by the Secretary-General of an implementation task force to coordinate system-wide efforts to implement the five-pillar-based strategy.

42. His delegation fully supported the important work of the Security Council Counter-Terrorism Committee and was pleased to note that the Committee's Executive Directorate was now fully operational. Kenya also commended the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime for its technical support and capacity-building activities and encouraged continued close coordination between that body and the Counter-Terrorism Committee to ensure that assistance programmes were well-focused and targeted at identified needs. Close cooperation with other agencies of the United Nations and other international organizations should also be strengthened to avoid duplication.

43. Parallel to efforts to fight terrorism internationally, States should undertake measures at the national level. Kenya, for its part, had ratified all of the 12 international terrorism conventions and the Organization of African Unity Convention on the Combating and Prevention of Terrorism of 1999, and it continued to submit annual country reports to the Counter-Terrorism Committee. At the national level, it had put in place a number of measures and structures aimed at preventing terrorist acts, including a counter-terrorism centre to collect and analyse information related to potential terrorist threats, an anti-terrorism police unit to investigate and apprehend persons associated with terrorist activities and a special prosecution unit to prosecute terrorism and money-laundering cases. The Suppression of Terrorism Bill of 2003 provided investigative, preventive and prosecutorial mechanisms for dealing with individuals and organizations suspected of involvement in terrorist activities, and draft legislation currently awaiting debate in Parliament would provide for freezing of assets and confiscation of property of persons or organizations associated with terrorism.

44. Kenya welcomed the conclusion and adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. It had been among the first countries to sign the Convention and had already commenced the ratification process. His delegation called on other States to move in that direction. The Convention would make a substantive contribution towards strengthening the international legal framework for the suppression and combating of terrorism. However, the framework would not be as effective as intended without a comprehensive convention on international terrorism. It was disheartening that the development of the draft comprehensive convention had not been completed because of a few outstanding issues, including the definition of terrorism. It was important to use the momentum arising from the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism to narrow the differences and move ahead swiftly towards consensus with the aim of finalizing and adopting the draft comprehensive convention during the current session of the General Assembly. To that end, his delegation would continue to exercise flexibility with regard to the definition of terrorism and would continue to support the work of the Ad Hoc Committee established by General Assembly resolution 51/210.

45. **Mr. Jit** (India) said that India attached the highest importance to the item currently under consideration by the Committee and noted with satisfaction the report of the Secretary-General on the subject (A/60/164). The Declaration on Measures to Eliminate International Terrorism, adopted by General Assembly resolution 49/60 in 1994, had been the first significant step taken by the United Nations in the fight against

terrorism. It had obliged States to refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts. Accordingly, States must ensure that their territories were not used for terrorist installations or training camps or for the preparation or organization of terrorist acts to be committed against other States or their citizens. Unfortunately, the Declaration continued to be flouted by a few States, which provided moral, material, financial and logistical sponsorship and support to terrorists. Today, more than ever before, it was of paramount importance to ensure that the Declaration was implemented by all States and that the standards it had set were effectively operationalized.

46. Terrorism was a global threat and was the common enemy of all peoples, all beliefs and all religions and of peace and democracy. India had been at the receiving end of cross-border terrorism for almost two decades. Those attacks represented a challenge to the established values of its society, to its democratic political process and to its law and order machinery. India was determined to confront the challenges and overcome them decisively and completely. That conviction had been expressed clearly by the Prime Minister of India in his statement to the 2005 World Summit, in which he had also emphasized that no cause could ever justify the indiscriminate killing of innocent men, women and children.

47. The terrible events of 11 September 2001 in New York had brought home to the world with shocking intensity the profound range and depth of the damage that international terrorism could cause to open societies. Subsequent terrorist attacks elsewhere in the world, including his own country, had made it clear that no country, organization or institution was beyond the reach of, or immune to, the effects of international terrorism.

48. Counter-terrorism efforts must not be confined to a hunt for specific individuals or groups, nor should they deal with the superficial symptoms of the malaise. Terrorism must be attacked at its roots, its support bases destroyed and its diverse manifestations across the world addressed appropriately. Terrorists derived their sustenance from criminal activities, including arms smuggling, drugs production and trafficking, and money-laundering. It was his delegation's deep conviction that increased international efforts towards the effective elimination of such criminal activities would also contribute to the elimination of terrorism.

49. India had taken several steps to strengthen international cooperation in combating terrorism, including entering into several bilateral treaties for the exchange of operational information and development of joint programmes to combat organized crime and terrorism. Such mutual legal assistance treaties facilitated the prosecution of offences, the location of fugitives and the transfer of witnesses and exhibits, all of which played a vital role in the punishment of crime and the prosecution of offenders. In addition, India was a party to all 12 of the international sectoral conventions on terrorism, and was considering becoming a party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

50. India's capacity to deal with the vicissitudes of terrorism could be traced to its ability to accommodate different cultural traditions over time. Those traditions had contributed to the emergence of a secular democracy that served as a bulwark against social tensions. India was the largest democracy in the world, and it also had the second largest Islamic society in the world. It was noteworthy that not a single Indian had been identified or detained for terrorist acts perpetrated by Al-Qaida or the Taliban. The deliberate weakening of secular democratic forces in many parts of the world over decades had left fundamentalists as the only vehicle of popular dissent. It was only through strengthening of secular democracy that the upper hand would be gained in the battle against terrorism.

51. The 2005 World Summit Outcome (A/60/L.1) stressed the need to conclude negotiations on a comprehensive convention on international terrorism during the sixtieth session of the General Assembly, the aim of which was to provide legal measures that would facilitate judicial cooperation, mutual assistance and extradition. The General Assembly should have the central role in that process. If it abdicated that role, the Security Council would continue to deal with the issue in a partial, piecemeal manner, governed by the political imperatives of the moment. That was not good for the development of international law, which needed to be broad-based and transparent. A broad agreement on all the draft provisions of the comprehensive convention on international terrorism had been reached, although some uncertainty remained as to the inclusion or exclusion of certain elements in article 18. Nevertheless, there was now a consolidated text. Since

the draft convention did not raise any legal problems, his delegation called upon all Member States to move ahead with its conclusion and adoption without further delay.

52. **Mr. Ri Song Hyon** (Democratic People's Republic of Korea) said that acts of terrorism were a major threat to international peace and stability and to State sovereignty. To stop the bloodshed that was occurring all over the world as a result of such acts, it was necessary to identify the precise cause of terrorism and combat it effectively. In his delegation's view, the worldwide vicious circle of terrorism stemmed from unilateralist and high-handed acts that oppressed other nations with arrogance and despotism. Counter-terrorist efforts should therefore be targeted primarily at preventing high-handedness and unilateralism.

53. Elimination of the root cause of terrorism required the establishment of international relations based on sovereign equality, multilateralism and justice; the eradication of exploitation, oppression and social inequality; and the promotion of sustainable development centred on mankind. It was imperative to root out acts of State terrorism, which threatened independent sovereign States and violated their sovereignty.

54. The Democratic People's Republic of Korea held that the war against terrorism should be waged in strict accordance with the purposes and principles embodied in the Charter of the United Nations and in no case should it be abused as a lever to seek the political and military aims of an individual country or a group. Branding other countries as States of terrorism, imposing upon them pressure and sanctions which caused enormous damage to their people and attempting to topple their political systems represented grave acts of State terrorism. The international community should never tolerate the imposition of pressure and sanctions or the use of armed force against sovereign States unilaterally subjected to force under cover of "counter-terrorism". It should respect the sovereign equality, ideology, social system, culture and customs of each country and promote international cooperation with a view to securing common development and prosperity. The Democratic People's Republic of Korea remained consistently opposed to terrorism in all its forms and manifestations and would continue making every effort to eliminate causes of terrorism and ensure peace and security for all.

55. **Mr. Abdelaziz** (Egypt) said that the Committee's current deliberations were of particular importance in the light of several factors. First, the past year had seen a dramatic increase in terrorist attacks all over the world, including in Egypt. Second, such attacks continued to occur despite the existence of 13 international conventions dealing with numerous aspects of terrorism. Third was the important consensus reached in the 2005 World Summit Outcome (A/60/L.1), emphasizing the importance of concluding the draft comprehensive convention and supporting the convening of a special high-level session of the General Assembly on terrorism. The Committee's deliberations should focus on strengthening a global approach to the problem within a multilateral framework, particularly the General Assembly, reaching beyond national and regional frameworks and beyond the Security Council.

56. While Egypt recognized the significance of law enforcement and security issues in combating terrorism, there were other political, economic and social dimensions of terrorism that also had to be addressed in order to get at the underlying causes of the phenomenon. In addition to enhancing the legal framework through international instruments, it was necessary to attend to political situations that created fertile breeding grounds for feelings of desperation, foremost among them occupation of territories by force and denial of the right of people to self-determination. Furthermore, to prevent terrorists from achieving their goals, there had to be practical measures to deny them access to assistance, protection and financing.

57. Although the General Assembly had succeeded in adopting by consensus the section on terrorism in the 2005 World Summit Outcome (A/60/L.1), important tasks still lay ahead, notably the conclusion of the comprehensive convention as soon as possible. The convention should link the legal and practical aspects of the fight against terrorism through an action plan aimed at mobilizing the full capacity of the United Nations in order, in turn, to strengthen capacity at the regional and national levels. It was essential to go beyond the limited approaches and strategies employed thus far and adopt a broader and more comprehensive vision, focusing on both the legal and practical aspects of the problem and giving due attention to the underlying causes of terrorism. Coordination and balance among the various United Nations bodies must also be ensured.

58. Egypt had contributed actively to the negotiations leading to the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which it had signed during the 2005 World Summit. It had also worked to achieve consensus on the section on terrorism in the World Summit Outcome (A/60/L.1), and would now push forward towards the conclusion of negotiations on the comprehensive convention on international terrorism and the adoption of an action plan by a special session of the General Assembly in 2006. Aiming to facilitate the work of the Committee in that regard, Egypt had presented a working paper to the Chairman to serve as a basis for discussion by Member States in preparing for the convening of the special session. To achieve the foregoing, his delegation stressed the need for all parties to demonstrate flexibility and seek innovative solutions with a view to realizing common goals.

59. **Mr. Navoti** (Fiji), reiterating his country's unequivocal condemnation of terrorism, said that the knock-on effects of terrorist activities endangered the very economic survival of small developing countries such as Fiji.

60. The draft comprehensive convention on international terrorism would be a valuable addition to the 13 existing international instruments, as it would facilitate police and judicial cooperation in matters of extradition and mutual assistance. Particular thanks were due to the coordinator of the informal consultations on the draft, Mr. Díaz Paniagua, for his efforts to accommodate the views of different delegations. It was now time to overcome political differences in order to finalize the text during the current session.

61. A clear definition of terrorism was needed. Fiji favoured the wording of article 2 of the draft convention, which, in its view, fulfilled the requirements of criminal law by employing precise legal language. Fiji also supported the suggestion that existing legal instruments and the right of self-determination should be referred to in the draft convention.

62. He commended the Secretary-General's report on measures to eliminate international terrorism (A/60/228) and welcomed the information submitted by Member States and international organizations about their activities in the prevention and suppression of international terrorism, which was extremely useful to countries that were lagging behind in that area. However, submitting reports and acceding to counter-terrorism instruments were not ends in themselves. A global partnership was needed to combat terrorism through training, funding, transparency in the exchange of information and intelligence, and a pledge to provide assistance when needed.

63. With reference to section VI of the report, which related to information on workshops and training courses, he was pleased to inform the Committee that Fiji would be hosting the eighth annual Typologies Workshop of the Asia/Pacific Group on Money Laundering from 24 to 26 October 2005. Some 100 participants would be attending, including representatives of member States of the Association of Southeast Asian Nations (ASEAN) and of relevant international organizations.

64. In conclusion, he appealed for flexibility in the negotiation of the draft convention so as to overcome the political differences that had impeded progress in the past.

65. **Mr. Requiejo Gual** (Cuba) said that his delegation condemned all terrorist acts, methods and practices regardless of their motivation. His Government had never, nor would it ever, allow its national territory to be used for planning, financing or carrying out terrorist acts against any other State. Consequently, it totally rejected the use of the struggle against terrorism as a pretext to justify interference in other States' domestic affairs and the undermining of their national sovereignty.

66. In its efforts to defeat terrorism, the whole international community must comply with the Charter of the United Nations. At the same time, it was imperative to adopt forthwith a comprehensive convention on international terrorism which filled the gaps in existing United Nations instruments and contained a precise and all-embracing definition of the crime of terrorism. The activities of States' armed forces which were not regulated by international humanitarian law should not be excluded from the purview of such a convention. On the other hand, the latter should distinguish clearly between terrorism and the legitimate struggle of peoples for independence and self-determination. The manipulation by some States of the inherent right to self-defence in order to commit acts of State terrorism and to justify aggression and

interference in the internal affairs of other States was inadmissible.

67. The risk that terrorists might obtain weapons of mass destruction was a matter of concern and his Government therefore fully supported all legitimate international efforts to prevent them from doing so. The only way to guarantee that that did not happen was to prohibit and totally eliminate such arms, since their mere existence jeopardized international peace and security.

68. For many years, his country had been subjected to numerous terrorist attacks which had killed or injured thousands of people and caused tremendous economic damage. Those acts had been financed and organized with impunity from the territory of the United States of America. It should be remembered that, under the Security Council's resolutions regarding terrorism, including resolution 1373 (2001), those who permitted or financed terrorist acts were just as guilty as those who committed them.

69. In September 2005, the United States Bureau of Immigration and Customs Enforcement had announced that it had been decided not to deport the terrorist Luis Posada Carriles either to Cuba or to Venezuela, claiming that he would be at risk of torture in both countries and citing the exemptions provided for in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Following protests from Cuba, he had been detained but had enjoyed preferential treatment while in detention.

70. The same Administration that had launched wars in the name of fighting terrorism was now protecting the notorious terrorist who was behind the 1976 attack on a Cuban airliner that had killed 73 people and who was responsible for many other murders of Cuban and other nationals. It was thus protecting one of the pawns in its criminal campaign against Cuba. Its citing of the risk of torture was cynical, given that Posada Carriles himself was accused of the brutal torture of many Venezuelans. It was actually Venezuela, not Cuba, that had requested his extradition, and that country had offered to provide all the necessary safeguards.

71. By contrast, the detention seven years previously of three Cuban citizens and two United States citizens involved in the fight against terrorism had been characterized by violence and the absence of any safeguards. Moreover, they had been given long and absurd sentences in a rigged and partial trial. That trial had been declared void in August 2005 but an attempt had nonetheless been made at the federal level to have that ruling overturned.

72. Cuba would continue its fight to ensure that Posada Carriles and other terrorists like him were brought to justice. It would also maintain its efforts to end the cruel detention of the five individuals being held hostage in United States prisons.

73. **Mr. Akram** (Pakistan) said that international terrorism threatened to destabilize all modern societies. Today it was more necessary than ever for all States to work together to combat it.

74. Pakistan had, historically, been a major target of terrorism, including State-sponsored terrorism that had been perpetrated for decades and was still continuing. Since the terrorist attacks of 11 September 2001, Pakistan had been at the forefront of the international war against terrorism and had captured many terrorists, including 700 Al-Qaida operatives, as a result of large-scale operations in the tribal regions along its border with Afghanistan. Pakistan was also cooperating, by means such as intelligence-sharing, in efforts to curb terrorist financing.

75. Pakistan had ratified 11 of the 13 international instruments against terrorism and had also taken steps to ban extremist organizations, detain extremists and outlaw hate material and the misuse of religious institutions, including madrasas. It welcomed the recent adoption by consensus of the International Convention for the Suppression of Acts of Nuclear Terrorism and would continue to cooperate in efforts to achieve a similar consensus on the draft comprehensive convention on international terrorism. It supported the view that negotiations should be conducted on the basis of the reports of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and of the Working Group of the Sixth Committee.

76. In order to finalize the draft convention, it was necessary to focus on the points that had so far prevented consensus. Chief among them was the exclusion of armed forces from the purview of the draft convention, which was, in his delegation's view, unacceptable. Terrorist acts committed by armed forces while suppressing a people's struggle for self-determination, during the course of a foreign occupation or in instances of genocide should not be excluded. It was not sufficient to argue that their

activities were governed by the Geneva Conventions and their Protocols — so were the activities of irregular groups and guerrilla movements.

77. The best solution would be to include in the draft convention the language of paragraph 81 of the 2005 World Summit Outcome, which condemned "terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes", and to delete article 18, paragraphs 2 and 3, of the draft. If others insisted on retaining those paragraphs, it would be necessary to qualify and limit the exclusion of armed forces, for example, by affirming that the provisions of the draft convention did not constrain the legitimate right of peoples to struggle for self-determination or against foreign occupation. Alternatively, that objective could be achieved by including in the draft convention a consensual legal definition of terrorism that affirmed the same right.

78. He welcomed the Secretary-General's proposal to elaborate a comprehensive strategy to counter terrorism, which should cover the adoption of international legislation, including the draft convention, and implementation of the measures for international cooperation already approved under Security Council resolution 1373 (2001) and subsequent resolutions. Moreover, the strategy should not exclude acts of terrorism perpetrated by States, of the type which were still being committed in his region of the world against innocent civilians struggling for the right to self-determination. The strategy should make clear that the campaign against terrorism was not to be used as a cover to suppress such struggles or to carry out mass violations of the human rights of innocent people.

79. The aim of dissuading disaffected groups from choosing terrorism as a tactic could be achieved only if the comprehensive strategy addressed the underlying causes of terrorism. That did not imply justifying terrorism but rather eliminating the threat by winning the hearts and minds of potential terrorists.

80. President Musharraf had underlined the need to adopt separate short-term and long-term strategies to address terrorism and extremism in his proposal for "enlightened moderation". Terrorism should be confronted in the immediate term, but in the longer term it was also essential to promote the just resolution of political disputes, such as those in Palestine and Kashmir. In addition, the promotion of socio-economic revival in developing countries, particularly in the Muslim world, should form part of any comprehensive strategy, along with dialogue and cooperation among religions and cultures.

81. The implementation of a comprehensive strategy would require appropriate institutional support from, for example, an international counter-terrorism centre, such as had been proposed by His Majesty King Abdullah bin Abdulaziz of Saudi Arabia.

82. The world must be made safe from terrorist violence if international peace and stability, development and prosperity, and the protection of human rights were to be ensured. Pakistan would cooperate with all peace-loving peoples and nations to achieve that objective.

83. **Mr. Jenie** (Indonesia) said that the Committee's current discussion was taking place against the backdrop of fresh terrorist bombings in Bali, Indonesia, in which 22 people had been killed and more than 100 wounded. Indonesia strongly condemned the attacks and had immediately launched an investigation with a view to bringing the perpetrators to justice.

84. The Government of Indonesia would not be deterred by such attacks from its efforts to create an open, democratic society, enhance development, strengthen the rule of law and protect human rights. Indeed, it was more determined than ever before to cooperate with other countries to develop a comprehensive response to terrorism. Moreover, such attacks sent a clear message to the international community that it must redouble its efforts to conclude the draft comprehensive convention on international terrorism.

85. Terrorism had not only "immediate" effects but also lasting ones, such as economic losses and setbacks to development. No individual or country was safe from terrorism. International cooperation, with the United Nations at the forefront, was therefore required to deal with it effectively. It was imperative to reach agreement on the draft convention and to develop a strategy to counter terrorism at the national, regional and international levels, as proposed by the Secretary-General. Such a strategy should recognize the need to deal with the underlying causes of terrorism, not merely the symptoms. It should also aim to broaden understanding among faiths and civilizations and to dissuade young people from turning to radicalism and

extremism. Lastly, it should be consistent with international law and the need to protect human rights.

86. He welcomed the recent conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism and the adoption of Security Council resolution 1624 (2005). Those two texts, together with the 2005 World Summit Outcome, provided a good basis for the speedy conclusion of the draft comprehensive convention on international terrorism. Indonesia urged all delegations to work together to that end.

The meeting rose at 1 p.m.